

Memorandum



Date: March 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

Agenda Item No. 8(F)(3)

From: Carlos A. Gimenez
Mayor

A handwritten signature in dark ink, appearing to read "Carlos A. Gimenez", written over the printed name and title.

Subject: Waiving Formal Bid Procedures to Modify Non-Competitive Contracts and Ratify Non-Competitive Award

Recommendation

It is recommended that the Board of County Commissioners (Board) waive competitive bidding procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter and approve the attached emergency purchases and non-competitive contract modifications. These items are described briefly below and in more detail in the accompanying attachments.

Section 1 - Emergency Purchases

The items included in this section ratify emergency contract awards for the purchase of goods and services. The cumulative value of the emergency contract awards in this section is \$1,251,327.

Item 1.1 – Airport Apron Drive Buses - Waives formal bid procedures to ratify an emergency contract award in the amount of \$999,800 to Cobus Industries, LP for two Cobus airport apron drive buses purchased by the Aviation Department.

Item 1.2 – Security System Repair at Metro West Detention Center - Waives formal bid procedures and ratifies an emergency contract award in the amount of \$251,527 to Black Creek Integrated System for emergency repairs of the security system at the Metrowest Detention Center.

Section 2 - Contract Modifications

The items included in this section will modify noncompetitive contracts for additional time and/or spending authority for the purchase of goods and services. The total additional funding requested for the contracts listed in this section is \$519,000.

Item 2.1 – INFOR Millennium Software Maintenance and Support Services - Waives formal bid procedures to modify a sole source contract for an additional 36 months and \$160,000 for the Aviation Department to pay ongoing software maintenance and support services for the existing INFOR Millennium Software.

Item 2.2 – Pitney Bowes Group 1 Maintenance - Waives formal bid procedures to modify a bid waiver contract for an additional \$99,000 to allow the Water and Sewer Department to purchase the required software licenses, maintenance support, and professional services. In addition, this item seeks authority to exercise the third and fourth remaining options-to-renew in the amount of \$260,000. The total amount requested for the modification and two renewal options is \$359,000.

Scope

The impact of the items in the attached Bid Waiver Package are countywide in nature.

Fiscal Impact/Funding Source

The allocation and funding source for the departments are listed in the attached Bid Waiver Package.

The contract amounts and departmental allocations represent the maximum spending authority based on past utilization. This action does not guarantee that the total contract amount/value will be expended by the department. Funding will be expended only if the department's budget can support the expenditures approved in its annual budget adopted by the Board.

Track Record/Monitor

There are no known performance/compliance issues with the vendors recommended for award in the attached Bid Waiver Package. The departments' contract manager is reflected in the agenda item.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to extend the contracts for purchase of goods and services in accordance with the terms and conditions of the contracts listed in the attached Bid Waiver Package.

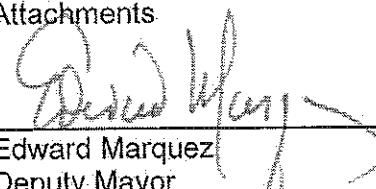
Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Background

Additional information on each item is attached.

Attachments



Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(F)(3)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☒ Applicable legislation requires more than a majority vote (i.e., 2/3's ☒, 3/5's ☐, unanimous ☐) to approve
- ☒ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(3)
3-5-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES BY A TWO-THIRDS (2/3S) VOTE OF THE BOARD MEMBERS PRESENT, TO RATIFY EMERGENCY CONTRACTS IN AN AMOUNT UP TO \$1,251,327, AND AUTHORIZE MODIFICATION OF NONCOMPETITIVE CONTRACTS FOR THE PURCHASE OF GOODS AND SERVICES IN AN AMOUNT UP TO \$519,000

WHEREAS, the County Mayor recommends to this Board to waive formal bid procedures for the purchase of goods and services which cannot be purchased under normal bid procedures,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1: This Board waives formal bid procedures, pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-thirds (2/3s) vote of the members present for items 1.1, 1.2, 2.1, and 2.2 of the incorporated memorandum.

Section 2: This Board ratifies emergency contracts as set forth in items 1.1 and 1.2 of the incorporated memorandum in a total amount of up to \$1,251,327.

Section 3: This Board authorizes the modification noncompetitive contracts as set forth in items 2.1 and 2.2 of the incorporated memorandum to add an additional \$519,000 of spending authority for the purchase of goods and services.

Section 4: This Board authorizes the County Mayor or County Mayor's designee to execute contracts for the items approved herein and exercise contract

modifications, options-to-renew, any cancellation provisions, and any other rights contained therein in accordance with the terms and conditions of such contracts.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of March, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal



Item 1.1 Emergency Purchase

Contract No.: E9713-AV	Title: Airport Apron Drive Buses
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Type of Non-competitive Action: ☐ Bid Waiver ☐ Sole Source ☒ Emergency Award

Justification:

On November 9, 2012, the Aviation Department certified an emergency purchase for two Cobus airport apron drive buses to transport airport passengers to and from the main terminal, remote hardstands, and for emergency aircraft evacuations. The buses are needed due to one of the two Automatic Passenger Mover (APM) trains currently being out of service, and, the other APM train being unavailable for four hours per day for daily routine service. Additionally, the second train has been unreliable, and often out of service for repairs. Currently, MDAD is temporarily using the department's fleet of city-type buses that have a maximum capacity of 39 passengers, narrow steps, are not fuel-efficient, and are not designed for large-scale transport of passengers, as is needed to transport passengers the quarter mile from the main terminal to the respective aircraft parking gates. The two Cobus airport apron drive buses that are being purchased are ADA compliant, use one-third the amount of fuel required for city-type buses, and hold 112 passengers comfortably, with luggage.

As of September 2012, airlines including American, British Airways, Iberia, InterJet, Skyking, Air Berlin, Cayman, and World Atlantic have to refuse to use the Terminal "E" Satellite gates for their flights, as these gates are only accessible by APM or bus. The "E" Satellite was a revenue-producing resource for the department with nine international gates, five restaurants, several concession stands, and a mini Customs Federal Inspection Station. This reduction in service has caused the department to close the "E" Satellite, resulting in revenue loss.

In addition, the Federal Aviation Administration and United States Department of Transportation (US DOT) rules require that an airport be able to evacuate passengers from an aircraft to the terminal in a timely fashion. The US DOT requires that there are preset time limits that must be met in the event of a tarmac delay, as stated in the Passenger Bill of Rights for Airline Compliance implemented in December 2009. Airports must be able to transport travelers to the main terminal within three hours for a domestic flight, and four hours for an international flight. A fine of \$27,500 per passenger is imposed when the department is non-compliant.

Aviation researched the possibility of accessing a contract to quickly get the buses it needs, but was unable to find a competed contract meeting their needs. Due to safety issues, and the continued revenue loss, the Airport declared an emergency to purchase these two buses.

Contract Start Date:		Modified Term Length: N/A	
November 9, 2012 (One time purchase)			
Department	Emergency Contract Value	Funding Source	Contract Manager
Aviation	\$999,800	Proprietary Funds	Neivy Garcia
TOTAL	\$999,800		

Contract Measures:	<input type="checkbox"/> Small Business Enterprise <input type="checkbox"/> Set-Aside <input type="checkbox"/> Bid Preference <input type="checkbox"/> Selection Factor <input checked="" type="checkbox"/> Other No Measure – Emergency Award
Local Preference Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply
Living Wage Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply
User Access Program:	<input type="checkbox"/> Applies where permitted by funding source <input checked="" type="checkbox"/> Does not apply
Procurement Contracting Officer:	Ana Rioseco

Vendor	Address	Principal
Cobus Industries, LP	1230 Peachtree Street, Suite 3100, Atlanta, GA	Don Frassetto

Item 1.2 Emergency Purchase

Contract No.: E8935-0/09	Title: Security System Repair at Metro West Detention Center
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Type of Non-competitive Action: ☐ Bid Waiver ☐ Sole Source ☒ Emergency Award

Justification:

The Miami-Dade Corrections and Rehabilitation Department (MDCR) certified an emergency contract award on January 22, 2009 for emergency repair of the Security System at Metrowest Detention Center (Metrowest). Specifically, the Programmable Logic Controllers (PLCs) at Metrowest, which are a major component of the integrated security system and have been in service for 19 years, are no longer supported or manufactured, had been experiencing an increased rate of failure, and required immediate replacement. As a result, MDCR declared an emergency and awarded an emergency contract to Black Creek Integrated Systems Corp., who is the designer and sole proprietor of the PLCs. Black Creek was able to replace the PLCs, thus ensuring proper operability of the door controls, security cameras, intercom system, paging system and associated software and technical equipment at Metrowest. Inoperability of this system could have placed the facility in a state of emergency without proper security and safety control measures.

Contract Start Date:	Modified Term Length: N/A
January 22, 2009 through July 21, 2009	

Department	Emergency Contract Value	Funding Source	Contract Manager
Corrections and Rehabilitation	\$251,527	General Fund	Mohammed Haq
TOTAL	\$251,527		

Contract Measures:	<input type="checkbox"/> Small Business Enterprise <input type="checkbox"/> Set-Aside <input type="checkbox"/> Bid Preference
	<input type="checkbox"/> Selection Factor <input checked="" type="checkbox"/> Other No Measure – Emergency Award
Local Preference Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply
Living Wage Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply
User Access Program:	<input type="checkbox"/> Applies where permitted by funding source <input checked="" type="checkbox"/> Does not apply
Procurement Contracting Officer:	Margaret Brown

Vendor	Address	Principal
Black Creek Integrated Systems	2900 Crestwood Blvd., Irondale, AL	I.E. Newton

Item 2.1 Contract Modification

Contract No.: SS6976-4/13-4	Title: INFOR Millennium Software Maintenance and Support Services
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Type of Change:	
<input checked="" type="checkbox"/> Additional Time	<input type="checkbox"/> Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds
<input checked="" type="checkbox"/> Additional Spending Authority	

Contract Description and Reason for Change:

Authorization is requested for additional time and spending authority to provide the Aviation Department with the ability to pay for required software maintenance and support services for the existing INFOR Millennium Software (Software) provided by INFOR Global Solutions, Inc. The Aviation Department's Information System Division utilizes the Software to support daily operations at Miami International Airport and run many of the Aviation Department's proprietary operating systems that are used on the IBM mainframe. The Software also runs the production and development environments for several critical applications, including Security (United States Customs, Fingerprints, Security Badge and Access Control Interface), Airside Training, Employee Parking Decals, Work Order and Airside Ticket, Revenue Accounts, Accounts Payable, Budget, and Fixed Assets.

INFOR Global Solutions, Inc. is the developer and sole proprietor of the application, and is the only vendor that can provide the required maintenance and support services for the Software. Although the Aviation Department will be moving away from the software over the next three years, the existing maintenance and support agreement expires on February 28, 2013. Continued maintenance and support from INFOR will be required until all applications are moved onto new technology platforms. This modification provides the additional time and spending authority necessary to continue receiving maintenance and support services and ensure there is no disruption to the Aviation Department's operations.

Current Term Length:		Additional Time Requested:
12 months		36 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
March 1, 2012	February 28, 2013	February 28, 2016

Departments, Allocations, and Additional Funds Requested					
Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
Aviation	\$50,000	\$160,000	\$210,000	Proprietary Revenue	Carlos Garcia
TOTAL	\$50,000	\$160,000	\$210,000		

Contract Measures:	<input type="checkbox"/> Small Business Enterprise	<input type="checkbox"/> Set-Aside	<input type="checkbox"/> Bid Preference
	<input type="checkbox"/> Selection Factor	<input checked="" type="checkbox"/> Other	<u>No Measure – Sole Source</u>
Local Preference Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply		
Living Wage Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply		
User Access Program:	<input type="checkbox"/> Applies where permitted by funding source <input checked="" type="checkbox"/> Does not apply		
Procurement Contracting Officer:	Dakota Thompson		

Vendor(s)	Local Address	Principal
Infor Global Solutions (Michigan), Inc.	13560 Morris Road, Suite 4100, Alpharetta, GA	Greg M. Giangiordano

Item 2.2 – Contract Modification & Request to Exercise Options-to-Renew

Contract No.:	BW9439-4/15-2	Title:	Pitney Bowes Group 1 Software Maintenance
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Type of Change:

- ☐ Additional Time
 ☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds
- ☒ Additional Spending Authority

Contract Description and Reason for Change:

This contract provides the Water and Sewer Department the ability to purchase required software maintenance, technical support, and professional services for the existing Pitney Bowes Group 1 software applications. Pitney Bowes Software, Inc. (PBSI) is the sole proprietor of the software, maintenance, and support services; no other vendor is capable of providing the required services. Additional spending authority is being requested to accommodate the consolidation of like services under this contract, as well as approval of the two remaining Options-to-Renew (OTR).

The contract is in its second renewal term and has two available OTR terms which require an additional allocation. This action will result in the consolidation of Contract No. BW9439-4/15-2 and Contract No. BW8203-3/12-3. The requested allocation will cover the required maintenance and support for the remainder of the contract term and provide an allocation of \$44,000 per year for professional services as needed. The Water and Sewer Department is presently utilizing the consulting services contract to integrate the software with the Oracle Utilities Customer Care and Billing Platform project. Consolidation of these services will provide Water and Sewer Department with the ability to purchase the required software licenses, maintenance support, and professional services under one contract and ensure continuity of services.

The total amount requested for the modification of the current term and to exercise the third and fourth OTRs is \$359,000.

Current Term Length:		Additional Time Requested:
12 months		N/A
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
February 1, 2013	January 31, 2014	N/A

Departments	Existing Allocations	Additional Allocations	Modified Allocations	Funding Source	Contract Manager
Water and Sewer	\$81,000	\$99,000	\$180,000	Proprietary Funds	George Par
TOTAL	\$81,000	\$99,000	\$180,000		

Request to Exercise Options-To-Renew		Modified Allocation
Initial Term	January 26, 2011 - January 31, 2012	\$75,000
First OTR	February 1, 2012 - January 31, 2013	78,000
Second OTR (Modification requested in this item)	February 1, 2013 - January 31, 2014	180,000
Third OTR and Estimated Usage (OTR and modification requested in this item)	February 1, 2014 - January 31, 2015	128,000
Fourth OTR and Estimated Usage (OTR and modification requested in this item)	February 1, 2015 - January 31, 2016	132,000
Cumulative Contract Value		\$593,000

Contract Measures:	<input type="checkbox"/> Small Business Enterprise <input type="checkbox"/> Set-Aside <input type="checkbox"/> Bid Preference <input type="checkbox"/> Selection Factor <input checked="" type="checkbox"/> Other <u>No Measure – Bid Waiver</u>
Local Preference Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply
Living Wage Ordinance:	<input type="checkbox"/> Applies <input checked="" type="checkbox"/> Does not apply
User Access Program:	<input checked="" type="checkbox"/> Applies where permitted by funding source <input type="checkbox"/> Does not apply
Procurement Contracting Officer:	Margaret Brown

<u>Vendor</u>	<u>Address</u>	<u>Principal</u>
Pitney Bowes Software, Inc. (PBSI)	4200 Parliament Place, Suite 600, Lanham, MD	Nancy Kurkjan